

**CHAPTER 410
PUBLIC HEALTH**

ACT 25. ENVIRONMENTAL BARRIERS ACT

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25/1. Short Title

Section 1. Short Title. This Act shall be known and may be cited as the Environmental Barriers Act.

P.A. 84-948, Section 1, eff. Sept. 25, 1985.

Title of Act:

An Act concerning environmental barriers in public facilities and multi-story housing units and to amend and repeal certain Acts therein named.

P.A. 84-948, approved and eff. Sept. 25, 1985.

25/2. Statement of Findings and Purpose

Section 2. Statement of Findings and Purpose. The General Assembly finds that:

(a) Public facilities and multi-story housing units which contain environmental barriers create a serious threat to the safety and welfare of all members of society both in normal conditions and in the event of fire, panic and other emergency.

(b) Environmentally limited persons are often denied access to and use of public facilities and multi-story housing units due to environmental barriers which prevent them from exercising many of their rights and privileges as citizens.

(c) The integration of environmentally limited persons into the mainstream of society furthers the goals and policies of this State to assure the right of all persons to live and work as independently as possible and to participate in the life of the community as fully as possible.

Therefore, eliminating environmental barriers is an object of serious public concern.

This Act shall be liberally construed toward that end.

P.A. 84-948, Section 2, eff. Sept. 25, 1985.

25/3. Definitions

Section 3. Definitions. As used in this Act:

"Accessibility standards" or "standards" means those standards, known as the Illinois Accessibility Code, adopted by the Capital Development Board pursuant to Section 4.

"Adaptable dwelling unit" means a dwelling unit constructed and equipped so it can be converted with minimal structural change for use by persons with different types and degrees of environmental limitation.

"Addition" means an expansion, extension, or increase in the gross floor area of a public facility or multi-story housing unit.

"Alteration" means any modification or renovation that affects or could affect the usability of the building or facility or part of the building or facility. "Alteration" includes, but is not limited to remodeling, renovation, rehabilitation, reconstruction, historic preservation, historic reconstruction, historic restoration, changes or rearrangement of the structural parts or elements, extraordinary repairs, plumbing fixture changes, and changes or rearrangements in the plan configuration of walls and full-height partitions. The following work is not considered to be an alteration unless it affects the usability of the building or facility: normal maintenance, reroofing, interior or exterior redecoration, changes to mechanical and electrical systems, replacement of plumbing, piping, or valves, asbestos removal, or installation of fire sprinkler systems.

"Built environment" means those parts of the physical environment which are designed, constructed or altered by people, including all public facilities and multi-story housing units.

"Common areas" means areas which are held out for use by all tenants and owners in public facilities and multi-story housing units including, but not limited to, lobbies, elevators, hallways, laundry rooms, swimming pools, storage rooms, recreation areas, parking garages, building offices, conference rooms, patios, restrooms, telephones, drinking fountains, restaurants, cafeterias, delicatessens, and stores.

"Construction" means any erection, building, installation or reconstruction. Additions shall be deemed construction for purposes of this Act.

"Dwelling unit" means a single unit of residence which provides a kitchen or food preparation area, in addition to rooms and spaces for living, bathing, sleeping, and the like. Dwelling units are found in such housing types as townhouses and apartment buildings.

"Element" means an architectural or mechanical (including electrical and plumbing) component of a building, facility, space, or site, including but not limited to a telephone, curb ramp, door, drinking fountain, seating, or water closet.

"Entrance" means any access point to a building or portion of a building or facility or multi-story housing unit used for the purpose of entering. An entrance includes the approach walk, the vertical access leading to the entrance platform, the entrance platform itself, vestibules if provided, and the entry door or doors or gate or gates.

"Environmental barrier" means an element or space of the built environment which limits accessibility to or use of the built environment by environmentally limited persons.

"Environmentally limited person" means a person with a disability or condition who is restricted in the use of the built environment.

"Governmental unit" means the State or any political subdivision thereof, including but not limited to any county, town, township, city, village, municipality, municipal corporation, school district or other special purpose district.

"Means of egress" means a continuous and unobstructed path of travel from any point in a building or structure to a public way, consisting of 3 separate and distinct parts: the exit access, the exit, and the exit discharge. A means of egress comprises vertical and horizontal means of travel and includes intervening room spaces, doors, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts, and yards.

"Multi-story housing unit" means any building of 4 or more stories containing 10 or more dwelling units, constructed to be held out for sale or lease by any person to the public.

"Occupiable" means a room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational, or similar purposes, or in which occupants are engaged at labor, and that is equipped with means of egress, light, and ventilation.

"Owner" means the person contracting for the construction or alteration. That person may be the owner of the real property or existing facility or may be a tenant of the real property or existing facility.

"Person" means one or more individuals, partnerships, associations, unincorporated organizations, corporations, cooperatives, legal representatives, trustees, receivers, agents, any group of persons or any governmental unit.

"Planning" means the preparation of architectural or engineering designs or plans, technical or other specifications, landscaping plans or other preconstruction plans or specifications.

"Public facility" means:

- (1) any building, structure, or site improvement which is:
 - (i) owned by or on behalf of a governmental unit,
 - (ii) leased, rented or used, in whole or in part, by a governmental unit, or
 - (iii) financed, in whole or in part, by a grant or a loan made or guaranteed by a governmental unit; or
- (2) any building, structure, or site improvement used or held out for use or intended for use by the public or by employees for one or more of, but not limited to, the following:
 - (i) the purpose of gathering, recreation, transient lodging, education, employment, institutional care, or the purchase, rental, sale or acquisition of any goods, personal property or services;
 - (ii) places of public display or collection;
 - (iii) social service establishments; and
 - (iv) stations used for specified public transportation.

"Public" means any group of people who are users of the building and employees of the building excluding those people who are employed by the owner of a building for construction or alteration of a building.

"Reproduction cost" means the estimated cost of constructing a new building, structure, or site improvement of like size, design and materials at the site of the original building, structure, or site improvement, assuming such site is clear. The reproduction cost shall be determined by using the recognized standards of an authoritative technical organization.

"Site improvements" means landscaping, pedestrian and vehicular pathways, steps, ramps, curb ramps, parking lots, outdoor lighting, recreational facilities, and the like, added to a site.

"Space" means a definable area, such as a toilet room, corridor, assembly area, entrance, storage room, alcove, courtyard, or lobby.

"State" means the State of Illinois and any instrumentality or agency thereof.

"Transient lodging" means a building or facility or portion of a building or facility, excluding inpatient medical care facilities and owner-occupied buildings of 4 or fewer lodging units. "Transient lodging" may include, but is not limited to, resorts, group homes, hotels and motels, including cabins and other detached units, and dormitories.

P.A. 84-948, Section 3, eff. Sept. 25, 1985. Amended by P.A. 89-539, Section 5, eff. July 19, 1996.

25/4. Standards

Section 4. Standards. The Capital Development Board shall adopt and publish accessibility standards. Accessibility standards for public facilities shall dictate minimum design, construction and alteration requirements to facilitate access to and use of the public facility by environmentally limited persons. Accessibility standards for multi-story housing units shall dictate minimum design and construction requirements to facilitate access to and use of the common areas by environmentally limited persons and create a number of adaptable dwelling units in accordance with Section 5¹. With respect to areas within public facilities or multi-story housing units which areas are restricted to use by the employees of businesses or concerns occupying such restricted areas, the Capital Development Board shall promulgate standards designed to ensure that such areas will be accessible to those environmentally limited persons who can reasonably be expected to perform the duties of a job therein.

The standards shall be adopted and revised in accordance with the Illinois Administrative Procedure Act.²

The Capital Development Board may issue written interpretation of the standards adopted under Section 4 of the Act. The Capital Development Board shall issue an interpretation within 30 calendar days of receipt of a request by certified mail unless a longer period is agreed to by the parties. Interpretations issued under this Section are project specific and do not constitute precedent for future or difference circumstances.

P.A. 84-948, Section 4, eff. Sept. 25, 1985. Amended by P.A. 87-393, Section 1, eff. Sept. 10, 1991.

¹410 ILCS 25/5

²5 ILCS 100/1-1 et seq.

25/5. Scope

Section 5. Scope.

(a) The standards adopted by the Capital Development Board shall apply to:

(1) Public Facilities; New Construction. Any new public facility or portion thereof, the construction of which is begun after the effective date of this Act. However, any new public facility (i) for which a specific contract for the planning has been awarded prior to the effective date of this Act and (ii) construction of which is begun within 12 months of the

effective date of this Act shall be exempt from compliance with the standards adopted pursuant to this Act insofar as those standards vary from standards in the Illinois Accessibility Code.

(2) Multi-Story Housing Units; New Construction. Any new multi-story housing unit or portion thereof, the construction of which is begun after the effective date of this Act. However, any new multi-story housing unit (i) for which a specific contract for the planning has been awarded prior to the effective date of this Act and (ii) construction of which is begun within 12 months of the effective date of this Act shall be exempt from compliance with the standards adopted pursuant to this Act insofar as those standards vary from standards in the Illinois Accessibility Code. Provided, however, that if the common areas comply with the standards, if 20% of the dwelling units are adaptable and if the adaptable dwelling units include dwelling units of various sizes and locations within the multi-story housing unit, then the entire multi-story housing unit shall be deemed to comply with the standards.

(b) Alterations. Any alteration to a public facility shall provide accessibility as follows:

(1) Alterations Generally. No alteration shall be undertaken that decreases or has the effect of decreasing accessibility or usability of a building or facility below the requirements for new construction at the time of alteration.

(2) If the alteration costs 15% or less of the reproduction cost of the public facility, the element or space being altered shall comply with the applicable requirements for new construction.

(3) State Owned Public Facilities. If the alteration is to a public facility owned by the State and the alteration costs more than 15% but less than 50% of the reproduction cost of the public facility, the following shall comply with the applicable requirements for new construction:

- (i) the element or space being altered,
- (ii) an entrance and a means of egress intended for use by the general public,
- (iii) all spaces and elements necessary to provide horizontal and vertical accessible routes between an accessible means entrance and means of egress and the element or space being altered,
- (iv) at least one accessible toilet room for each sex or a unisex toilet when permitted, if toilets are provided or required,
- (v) accessible parking spaces, where parking is provided, and
- (vi) an accessible route from public sidewalks or from accessible parking spaces, if provided, to an accessible entrance.

(4) All Other Public Facilities. If the alteration costs more than 15% but less than 50% of the reproduction cost of the public facility, and less than \$100,000, the following shall comply with the applicable requirements for new construction:

- (i) the element or space being altered, and
- (ii) an entrance and a means of egress intended for use by the general public.

(5) If the alteration costs more than 15% but less than 50% of the reproduction cost of the public facility, and more than \$100,000, the following shall comply with the applicable requirements for new construction:

- (i) the element or space being altered,

(ii) an entrance and a means of egress intended for use by the general public,

(iii) all spaces and elements necessary to provide horizontal and vertical accessible routes between an accessible entrance and means of egress and the element or space being altered; however, privately owned public facilities are not required to provide vertical access in a building with 2 levels of occupiable space where the cost of providing such vertical access is more than 20% of the reproduction cost of the public facility,

(iv) at least one accessible toilet room for each sex or a unisex toilet when permitted, if toilets are provided or required,

(v) accessible parking spaces, where parking is provided, and

(vi) an accessible route from public sidewalks or from the accessible parking spaces, if provided, to an accessible entrance.

(6) If the alteration costs 50% or more of the reproduction cost of the public facility, the entire public facility shall comply with the applicable requirements for new construction.

(c) Alterations to Specific Categories of Public Facilities. For religious entities, private clubs, and owner-occupied transient lodging facilities of 5 units, compliance with the standards adopted by the Capital Development Board is not mandatory if the alteration costs 15% or less of the reproduction cost of the public facility. However, if the cost of the alteration exceeds \$100,000, the element or space being altered must comply with applicable requirements for new construction. Alterations over 15% of the reproduction cost of these public facilities are governed by subdivisions (4), (5), and (6) of subsection (b), as applicable.

(d) Calculation of Reproduction Cost. For the purpose of calculating percentages of reproduction cost, the cost of alteration shall be construed as the total actual combined cost of all alterations made within any period of 30 months.

(e) No governmental unit may enter into a new or renewal agreement to lease, rent or use, in whole or in part, any building, structure or improved area which does not comply with the standards. Any governmental unit which, on the effective date of this Act, is leasing, renting or using, in whole or in part, any building, structure or improved area which does not comply with the standards shall make all reasonable efforts to terminate such lease, rental or use by January 1, 1990.

(f) No public facility may be constructed or altered and no multi-story housing unit may be constructed without the statement of an architect registered in the State of Illinois that the plans for the work to be performed comply with the provisions of this Act and the standards promulgated hereunder unless the cost of such construction or alteration is less than \$50,000. In the case of construction or alteration of an engineering nature, where the plans are prepared by an engineer, the statement may be made by a professional engineer registered in the State of Illinois or a structural engineer registered in the State of Illinois that the engineering plans comply with the provisions of this Act and the standards promulgated hereunder. The architect's and or engineer's statement shall be filed by the architect or engineer and maintained in the office of the governmental unit responsible for the issuance of the building permit. In those governmental units which do not issue building permits, the statement shall be filed and maintained in the office of the county clerk.

P.A. 84-948, Section 5, eff. Sept. 25, 1985. Amended by P.A. 89-539, Section 5, eff. July 19, 1996.

25/6. Civil Enforcement

Section 6. Civil Enforcement. (a) The Attorney General shall have the authority to enforce the standards. The Attorney General shall investigate any complaint or reported violation of this Act and, where necessary to ensure compliance, may bring an action for any or all of the following:

- (1) mandamus;
- (2) injunction to halt construction or alteration of any public facility or to require compliance with the standards by any public facility which has been or is being constructed or altered in violation of this Act;
- (3) injunction to halt construction of any multi-story housing unit or to require compliance with the standards by any multi-story housing unit which has been or is being constructed in violation of this Act; or
- (4) other appropriate relief.

P.A. 84-948, Section 6, eff. Sept. 25, 1985.

25/7. Penalties

Section 7. Penalties. (a) Any owner constructing or altering a public facility or constructing a multi-story housing unit in violation of this Act shall be guilty of a business offense punishable by a fine not to exceed \$250 per day, and each day the owner is in violation of this Act constitutes a separate offense.

(b) Any architect or engineer negligently or intentionally stating pursuant to Section 5 of this Act¹ that a plan is in compliance with this Act when such plan is not in compliance shall be subject to a suspension, revocation or refusal of restoration of his or her certificate of registration or license pursuant to The Illinois Architecture Practice Act of 1989², The Illinois Professional Engineering Practice Act of 1989³, and The Structural Engineering Licensing Act of 1989¹.

(c) Any person issuing a building permit or other official authorization for the construction or alteration of a public facility or the construction of a multi-story housing unit in violation of this Act shall be guilty of a business offense punishable by a fine not to exceed \$1,000.

(d) The executive director of the Capital Development Board or any other person may request the State's Attorney of the county in which the public facility or multi-story housing unit is located to initiate prosecution under this Section.

P.A. 84-948, Section 7, eff. Sept. 25, 1985. Amended by P.A. 86-711, Section 44, eff. Jan. 1, 1990; P.A. 86-1475, Art. 3, Section 3-56, eff. Jan. 10, 1991; P.A. 87-562, Section 2, eff. Jan. 1, 1992.

¹410 ILCS 25/5

²225 ILCS 305/1 et seq.

³225 ILCS 325/1 et seq.

⁴225 ILCS 340/1 et seq.

25/8. Local Standards

Section 8. Local Standards. The provisions of this Act and the regulations and standards promulgated hereunder constitute minimum requirements for all governmental units, including home rule units. Any governmental unit may prescribe more stringent requirements to increase and facilitate access to the built environment by environmentally limited persons.

P.A. 84-948, Section 8, eff. Sept. 25, 1985.